

Message Text

CONFIDENTIAL

PAGE 01 STATE 217861
ORIGIN L-03

INFO OCT-01 EUR-12 EA-10 ISO-00 ACDA-12 CIAE-00 INR-10
IO-13 NSAE-00 EB-08 NRC-05 OES-09 SOE-02 DODE-00
DOE-15 SS-15 SP-02 CEQ-01 PM-05 SAS-02 NSCE-00
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DRAFTED BY L/N:RJBETTAUER:AVW
APPROVED BY L/N:RJBETTAUER
ACDA:MS. KATZ
NRC:RPAGE
DOE/ISA:WHAGIS
DOD/OSD: DO/O : RICE
OES/NET:DHOYLE
EUR/NE:WNEWLIN
DOD/OJCS:COL. WITTER
-----126139 281512Z /45
O R 281441Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY THE HAGUE IMMEDIATE
INFO AMEMBASSY BRUSSELS
AMEMBASSY BONN
AMEMBASSY CANBERRA
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY OTTAWA
AMEMBASSY VIENNA

C O N F I D E N T I A L STATE 217861

USIAEA, USEEC

E.O. 11652: GDS

TAGS: MNUC, PARM, ENRG, NL

SUBJECT: CONVENTION ON PHYSICAL PROTECTION OF
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NUCLEAR MATERIALS

REFS: (A) THE HAGUE 4664 (B) STATE 203582

1. IN RESPONSE TO QUESTIONS POSED PARA 3 REFTTEL (A), YOU
MAY TELL BRANDS AND BLOEMBERGEN THAT, AS INDICATED PARA
4 (A) OF REF (B), USG WANTS TO KEEP ARTICLE 3 UNCHANGED.

WE INTEND TO MAKE STRONG EFFORT TO ACCOMPLISH THIS. HOWEVER, WE ARE AWARE THAT PRESSURE MAY BE STRONG TO CUT BACK SCOPE OF COVERAGE OF CRIMINAL PROVISIONS. AS A FALL-BACK, WE WOULD AS A MINIMUM SEEK TO RETAIN COVERAGE OF (A) CRIMES PERPETRATED DURING INTERNATIONAL TRANSPORT OF NUCLEAR MATERIAL AND (B) CRIMES WHERE NUCLEAR MATERIAL IS STOLEN WITHIN A DOMESTIC JURISDICTION, BUT IS SUBSEQUENTLY TAKEN BY OFFENDERS INTO THE JURISDICTION OF ANOTHER COUNTRY (ESTABLISHING A CLEAR INTERNATIONAL ASPECT TO THE OFFENSE).

2. WITH RESPECT TO "MILITARY PURPOSE", WE DO NOT PROPOSE A DEFINITION FOR INSERTING IN CONVENTION AS WE BELIEVE THIS WOULD RESULT IN A PROTRACTED NEGOTIATION. BASED ON CURRENT TEXT OF ARTICLE 2, MILITARY TRANSPORTATION OF NUCLEAR MATERIAL FOR CIVILIAN, NON-MILITARY PURPOSE IS NOT RPT NOT EXCLUDED FROM COVERAGE, BUT CIVILIAN TRANSPORTATION OF MILITARY PURPOSE NUCLEAR MATERIAL IS EXCLUDED. DISTINCTION IS BASED ON THE PURPOSE OF THE USE OF THE NUCLEAR FACILITY, MATERIAL OR TRANSPORT. WE BELIEVE THIS DISTINCTION SATISFIES U.S. INTERESTS SINCE MILITARY PURPOSE NUCLEAR MATERIAL, TRANSPORTS, OR FACILITIES ARE EXCLUDED, EVEN IF UNDER CIVILIAN (DOE) CONTROL OR JURISDICTION. U.S. MILITARY DOES NOT TRANSPORT CIVILIAN PURPOSE NUCLEAR MATERIAL.

CHRISTOPHER
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NNN

Message Attributes

Automatic Decaptioning: X
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Draft Date: 28 aug 1978
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Disposition Approved on Date:
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